

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

SHAUN D. ROBERTSON,

Plaintiff,

vs.

S.T.A.R.T. PROGRAM, et al.,

Defendants.

CV-22-30-BU-BMM

ORDER

United States Magistrate Judge Kathleen DeSoto entered her Findings and Recommendations in this case on February 23, 2022. (Doc. 15). Judge DeSoto made the following recommendations: that the Clerk of Court should terminate the START Facility Program, Kris Lovshin, START Security Guards, Ryan Campbell, and the Montana State Prison as defendants in this action; that all claims against Bob Thatcher and Bob Olson, other than a failure to train claim, should be dismissed; that all claims against Brian Hettick should be dismissed, other than a failure to protect claim and a failure to train claim; that all claims regarding medical care should be dismissed except denial of physical therapy, medications, and mental healthcare against Sheila Johnson; and that at all times during the pendency of this action, Robertson must immediately advise the Court of any

change of address and its effective date. Failure to file a notice of change of address may result in the dismissal of the action for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). (Doc. 15 at 10).

Neither party filed objections to the Findings and Recommendations. The parties have waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

The Court ordered Robertson on October 27, 2021, to file an Amended Complaint. (Doc. 6). Robertson complied and filed his Amended Complaint. (Doc. 12). Judge DeSoto’s Findings and Recommendations screened Robertson’s Amended Complaint. (Doc. 15). The Amended Complaint no longer names George Strutzel, Kris Lovshin, Montana State Prison, or Ryan Campbell. Judge DeSoto determined that these defendants should be terminated. Similarly, the Amended Complaint contains no specific allegations against START and Judge DeSoto determined that START should be removed from the caption. The Court also has reviewed Judge DeSoto’s determinations on the remaining individual claims in the

Amended Complaint against Bob Thatcher, Brian Hettick, Bob Olson, and Sheila Johnson. The Court finds no error in Judge DeSoto's Findings and Recommendations and adopts them in full.

ORDER

Accordingly, **IT IS ORDERED:**

1. The Clerk of Court is directed to terminate the START Facility Program, Kris Lovshin, START Security Guards, Ryan Campbell, and Montana State Prison as defendants in this action.

2. All claims against Thatcher and Olsen, other than a failure to train claim, are **DISMISSED**.

3. All claims against Hettick, other than a failure to protect claim and a failure to train claim, are **DISMISSED**.

4. All claims regarding medical care against Sheila Johnson, except denial of physical therapy, medications, and mental healthcare, are **DISMISSED**.

5. At all times during the pendency of this action, Robertson must immediately advise the Court of any change of address and its effective date. Failure to file a notice of change of address may result in the dismissal of the action for failure to prosecute pursuant to Fed. R. Civ. P. 41(b)

DATED this 20th day of May, 2022.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a large initial "B" and a long horizontal stroke at the end.

Brian Morris, Chief District Judge
United States District Court